

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**JUDGMENT IN A CIVIL CASE**

**JEFFREY SMITH**

Plaintiff  
vs.  
**CASE NUMBER: 3:13-CV-11 (TWD)**

**COMMISSIONER OF SOCIAL SECURITY**

Defendant

**Decision by Court.** This action came to hearing before the Court. The issues have been heard and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED**

That the final decision of the Commissioner be and hereby is REVERSED. The matter is REMANDED to the Defendant for this further administrative action. It is further ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

All of the above pursuant to the order of the Honorable Judge Therese Wiley Dancks, dated the 5<sup>th</sup> day of August, 2013.

DATED: August 5, 2013

Laurence L. Baum  
Clerk of Court

By: s/ Nicole Killius

Deputy Clerk